

REMARKS

Claims 11-23 have been canceled. Claims 1-3 and 7-10 are pending in the present application. Favorable reconsideration is respectfully requested.

The present invention relates to a sheet for the covering of the skin or hair and provides for the delivery of medicinal agents to the skin or hair.

Invention

The claimed invention is a sheet for covering the skin or hair containing a thermoplastic resin, a medical ingredient, and an oily ingredient all present in a single-layered structure. The thermoplastic resin, a medical ingredient, and an oily ingredient are all defined in amended Claim 1.

An outstanding feature of the present sheet is that it has a modulus of from 1 to 2000 cN/10 mm when the sheet is stretched by 50 % (see page 12, lines 5-14 of the text). The claimed sheet acts effectively on the site of the skin or hair to which the sheet is applied because of its ability to conform to the site to which it is applied (see page 12, lines 5-14, and the results reported in Tables 1-4 at pages 15-21 of the specification). As a result, the conformity of the claimed sheet enables the sheet to contact the skin or hair for increased periods of time, and provides a comfortable sensation throughout the duration of its use (see page 12, lines 5-14, and the results reported in Tables 1-4 at pages 15-21 of the specification). The property of the sheet which provides this enablement is its modulus which ranges from 1-2000 cN/10 mm when the sheet is stretched by 50 %. The excellent

modulus is due, in part, to the addition of the oily ingredient to the thermoplastic resin, and the medical ingredient (see page 10, lines 12-26, of the specification).

Prior Art Rejection, 35 USC 103

Claims 1-3 and 7-10 stand rejected based on 35 USC 103(a) as obvious over Fowler, U. S. Patent 6,063,397. This ground of rejection is respectfully traversed.

As indicated above and argued on the record, an important aspect of the invention is the ability of the sheet of the invention to conform to the shape of the surface to which the sheet is applied so that the sheet adheres to the surface for a time sufficient to deliver medicinal agent to the surface. This ability to conform is defined in terms of the modulus range specified in Claim 1. In reply to applicants' commentary concerning this important physical property of the claimed sheet, the Examiner acknowledges at page 4, third and fourth last lines of the Office Action that the patent does **not** teach the specific modulus of applicants' claims. However, the Examiner then proceeds to state at page 5, lines 11-13 that the presently claimed modulus does not impart patentability to the present claims where the prior art product comprises "the same ingredients." However, even though the patent teaches the use of oily materials in the product described in the patent, the oily material is not used for the same purpose as in the present invention nor is it incorporated in the product in the same way as in the present invention. That is, it is clear from the disclosure of the patent that the oily materials disclosed in columns 13 and 14 are examples of the "oil soluble conditioning agent" of the patent which is combined with a water soluble conditioning agent to form a conditioning component that is combined with a lathering surfactant to in turn form

a cleansing and conditioning composition that is then applied to a water insoluble substrate. Note that the composition is applied to a substrate so that upon "mechanical agitation and/or deformation" of the product (col 22, lines 26-29), the cleansing and conditioning composition is applied to the area of skin or hair desire to accomplish the desired action. Obviously, the simple act of "wiping" is a form of "mechanical agitation or deformation." Thus, there is no teaching or suggestion in the patent of a sheet containing a medicinal agent and oily material whose properties are such that when it is applied to a surface site, it conforms to the shape of the surface so that it is capable of adhering to the surface for an amount of time that enables site delivery of the medicinal agent to the surface. The application of the present sheet by a wiping or mechanical action is **not** contemplated in the present invention.

It is clear from the discussion above that there is no teaching or suggestion in the patent to employ an oily material, as in the present invention, where an oil is incorporated **within** the present single layered structure so as to provide the single layered structure with an ability to conform to the shape of a surface to which the structure is applied. (Note the procedure in Example 1 of the specification, for instance, where castor oil, also serving as a medicinal agent, is melt kneaded with a linear, low-density polyethylene and then this material is shaped in a T-die to a sheet material.) Accordingly, contrary to the Examiner's statement at page 5, lines 15-18 of the Office Action, the patent clearly does **not** provide the skilled artisan with motivation to so formulate a sheet substrate so that it has an essential characteristic of being able to conform the shape of a surface to which it is applied. This consequently means, of course, that the modulus range specified in the present claims would **not** be an obvious parameter of a structured sheet to the skilled artisan only having the

disclosure of the Fowler patent in-hand. Thus, the invention as claimed is believed unobvious over the disclosure of the patent and withdrawal of the rejection is respectfully requested.

Claims 1-3 and 7-10 stand rejected based on 35 USC 103(a) as obvious over WO 97/32567. This ground of rejection is respectfully traversed.

Applicants retain their comments regarding the sheet product disclosed in the WO '567 reference as previously stated. In direct contrast to the claimed sheet of the present invention which is a single layered structure, WO'567 discloses a multilayered sheet pack that at least comprises a hydrophilic layer and a hydrophobic layer (See page 7, line 20, to page 8, line 10.). Therefore, WO'567 expressly teaches away from having the claimed components in a single-layer.

Further, although the reference teaches the use of oily material at page 19, lines 11-19, the oils are clearly used as a component of a cosmetic substance to cosmetically treat the skin. As acknowledged by the Examiner the reference does not teach the stated modulus of the present claims, and further there is no nexus taught in the reference between an oil that is used and the property of the at least double layered film or sheet to conform to the shape of the surface to which the sheet is applied and adhere thereto. Accordingly, '567 does not obviate the invention as claimed and withdrawal of the rejection is respectfully requested.

Claims 11-23 have been canceled.

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Applicants submit that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "F D Vastine".

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